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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,322	05/10/2001	Lorenzo Casaccia	010317	5931

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QUALCOMM INCORPORATED		
5775 MOREHOUSE DR.		
SAN DIEGO, CA 92121		

EXAMINER	
TORRES, MARCOS L	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/853,322	Applicant(s) CASACCIA ET AL.	
	Examiner Marcos L. Torres	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argument that Redden simply discloses sending blocking signals to subscriber and is not a probability; according to the claim "receiving at the mobile station an initial call request block probability, wherein the block probability is determined by a network element", the signal generated in Redden is received at the mobile station and communicates that an initial call request is probably going to be block and is determined by a network element (see previous citations). Thereby according to the limitations set in the claim it can be properly equated.
3. Siwko call admission control discloses call request block "A call Admission Control (CAC) policy decides whether a call request is to be admitted or rejected. Call whose requests are rejected by the CAC policy are said to be **blocked** or rejected", see section II, second paragraph; and also discloses using the probability to block or reject calls "the CAC policy C never admits any call request when, given the dropping policy D ... is greater than the dropping probability threshold" see last paragraph of section II. Thereby, Siwko probability is used to block or reject a call request, therefore is being equated to the call request probability of the present application.
4. A combination of Siwko call admission control based on dropping probability and Redden initial call request block indicator would bring a system that advertise the

dropping/block probability and Redden initial call request block indicator so mobile terminals adjust their operation based on those indicator, thereby maximizing the available spectrum, minimizing collisions and saving battery power.

5. Regarding applicant argument that Ishikawa '515 fails to disclose a processor configured for. Adjusting said initial call request block probability"; Ishikawa '515 discloses repeating the process constantly and storing the results, thereby is being adjusted based in the elapsed time (see col. 16, lines 14-24).
6. The current rejection in record stands.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Siwko (NPL XP-001017264) in view of Redden (EP 0658014).

As to claim 1, Siwko discloses a communication system using a method for blocking call request comprising: receiving an initial call dropping probability factor in a calculation to determine call admission or blocking, wherein the probability is determined by a network element; determining an elapsed time from an effective time of said initial probability; adjusting said initial call request block probability based on said elapsed time (see sections II-IV). In an analog Redden discloses receiving at a mobile station an initial call request block probability (see page 14, lines 4-22), thereby letting know to the mobile station about the call request block. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teaching to the Siwko system for the simple purpose of maintaining the quality of service by managing the network resources.

As to claim 2, Siwko discloses the method wherein said adjusting includes decreasing said initial call request block probability (see section III formulas).

As to claims 3 and 20, Redden discloses the method further comprising: using said adjusted initial call request to block call request at a mobile station in said communication system (see page 14, lines 4-22).

As to claims 4, 10 and 16, Siwko discloses the method of receiving a time stamp associated with said probability; using said time stamp for determining said elapsed time (see sections II-III).

As to claim 6, Redden discloses the method wherein said adjusted initial call request block probability allows fewer number of mobile stations to initiate call requests than a number of mobile stations allowed to initiate call requests at a time of said initial call request block probability (see page 13, lines 51-56).

As to claim 7, Redden discloses the method further comprising: receiving a time period value, wherein said adjusting occurs at least once during a time period substantially equal to said time period value (see page 12, lines 48-50).

Regarding claims 8-9, 12-13 and 19, they are the corresponding apparatus claim of method claim 1, 3, 6-7. Therefore, claim 8 are rejected for the same reason shown above.

Regarding claims 14-15 and 18 are the corresponding system claim of method claim 1, 3 and 7. Therefore, claim 14-15 and 18 are rejected for the same reason shown above.

11. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwko in view of Redden (EP 0658014) as applied to claims 1-2, 4, 8, 10, 14, 16 and 19 above, and further in view of Weishaupt (U.S. Patent 4,493,102).

As to claims 5, 11 and 17, Siwko discloses everything claimed as explained above except for the method of receiving a call request block termination time; terminating a call request block performed based on said adjusted initial call request block probability in a gradual process from said effective call request block termination time. Redden discloses receiving a call request block termination time; terminating a call request block (see page 11, lines 43-46). Weishaupt disclose using a gradual process (see col. 1, lines 59-66). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to preserve the quality of service.

12. Claim 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa 6801515 in view of Ishikawa 20060111121, and further in view of Siwko.

As to claim 21, Ishikawa discloses a communication system, an apparatus comprising: a receiver (see fig. 3, item 23) configured for receiving at the mobile station (see fig. 3, item 112) call request block (admission/refusal) information as specified by a network element, and a processor (see fig. 3, items 31, 37) configured for determining said call request block information, wherein the block probability is determined by a network element and adjusting said call request block information (see col. 3, lines 50-62; col. 7, line 55 – col. 8, line 6; col. 14, line 11 – col. 16, line 54). Ishikawa does not specifically disclose wherein the call request block information is a percentage of calls to be blocked. In an analogous art, Ishikawa discloses wherein the call request block information is a percentage of calls to be blocked (see par. 0002) and determining elapsed time of the call request block probability (see par. 0017). Therefore, it would

have been obvious to one of the ordinary skill in the art to include the percentage of calls to be blocked to minimize recalling as suggested by Ishikawa ('515) in col. 2, line 66 – col. 3, line 23).

Also in analogous art, Siwko discloses determining elapsed time of the call request block probability (see sections II-IV). Therefore, it would have been obvious to one of the ordinary skill in the art to determine the elapsed time and adjust the parameters accordingly since the parameters and conditions are not constants and change with time.

As to claim 22, Ishikawa '515 discloses the apparatus wherein said processor is further configured to use said adjusted initial call request to block a call (see col. 3, lines 50-62; col. 7, line 55 – col. 8, line 6; col. 14, line 11 – col. 16, line 54).

Allowable Subject Matter

13. Claim 23 is allowed.

14. The following is a statement of reasons for the indication of allowable subject matter: A method for blocking a call request at a mobile station, the method comprising: receiving at the mobile station an initial call request block probability, the initial call request block probability being a percentage of calls to be blocked as specified by a network element; receiving at the mobile station a time stamp and a time period associated with the received initial call request block probability; determining an elapsed time from an effective time of said initial call request block probability using the received time stamp; iteratively adjusting the initial call request block probability, the number of

iterations being based on the ratio of the elapsed time to the received time period;
generating a random number by the mobile station between minimum and maximum
allowed values associated with the initial call request block probability; and blocking the
call request at the mobile station based on a comparison of the randomly generated
number and the adjusted initial call request block probability.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617

/mt/


GEORGE ENG
SUPERVISORY PATENT EXAMINER